

**House File 29 - Introduced**

HOUSE FILE 29

BY T. OLSON

**A BILL FOR**

1 An Act concerning the administration of epinephrine in public  
2 and nonpublic schools, and including effective date and  
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.16, Code 2013, is amended to read as  
2 follows:

3 **280.16 Self-administration of asthma or other airway**  
4 **constricting disease medication, or epinephrine auto-injectors.**

5 1. *Definitions.* For purposes of this section:

6 *a. "Epinephrine auto-injector" means a medical device for*  
7 *immediate self-administration of a measured dose of epinephrine*  
8 *by a person at risk of anaphylaxis.*

9 *a. ~~b.~~ "Medication" means a drug that meets the definition*  
10 *provided in section 126.2, subsection 8, has an individual*  
11 *prescription label, is prescribed by a physician for a*  
12 *student, and pertains to the student's asthma or other airway*  
13 *constricting disease.*

14 *~~b. c. "Physician" means a person licensed under chapter~~*  
15 *148, or a physician's assistant, advanced registered nurse*  
16 *practitioner, or other person licensed or registered to*  
17 *distribute or dispense a prescription drug or device in the*  
18 *course of professional practice in this state in accordance*  
19 *with section 147.107, or a person licensed by another state*  
20 *in a health field in which, under Iowa law, licensees in this*  
21 *state may legally prescribe drugs.*

22 *~~e. d. "Self-administration" means a student's discretionary~~*  
23 *use of medication prescribed by a physician for the student.*

24 2. The board of directors of a school district and the  
25 authorities in charge of an accredited nonpublic school shall  
26 permit the self-administration of medication by a student  
27 with asthma or other airway constricting disease or the use  
28 of an epinephrine auto-injector by a student if the following  
29 conditions are met:

30 *a.* The student's parent or guardian provides to the school  
31 written authorization for the self-administration of medication  
32 or for the use of an epinephrine auto-injector.

33 *b.* The student's parent or guardian provides to the school  
34 a written statement from the student's physician containing the  
35 following information:

1     (1) The name and purpose of the medication or epinephrine  
2 auto-injector.

3     (2) The prescribed dosage.

4     (3) The times at which or the special circumstances under  
5 which the medication or epinephrine auto-injector is to be  
6 administered.

7     c. The parent or guardian and the school meet the  
8 requirements of subsection 3 5.

9     3. The board of directors of a school district and the  
10 authorities in charge of a nonpublic school may authorize  
11 the provision of an epinephrine auto-injector that meets  
12 a student's prescription on file to the student or to any  
13 personnel legally authorized to administer an epinephrine  
14 auto-injector to the student.

15     4. The board of directors of a school district and the  
16 authorities in charge of a nonpublic school may authorize a  
17 school nurse to do any of the following:

18     a. Provide an epinephrine auto-injector that meets a  
19 student's prescription on file to the student or any personnel  
20 legally authorized to administer an epinephrine auto-injector  
21 to the student.

22     b. Administer an epinephrine auto-injector that meets the  
23 student's prescription on file to any student for whom the use  
24 of epinephrine auto-injector is legally authorized.

25     c. Administer an epinephrine auto-injector to any  
26 student whom the school nurse reasonably and in good faith  
27 professionally believes is having an anaphylactic reaction.

28     ~~3.~~ 5. a. The school district or accredited nonpublic  
29 school shall notify the parent or guardian of the student,  
30 in writing, that the school district or accredited nonpublic  
31 school and its employees are to incur no liability, except  
32 for gross negligence, as a result of any injury arising from  
33 self-administration of medication ~~by the student~~ or use of an  
34 epinephrine auto-injector pursuant to the provisions of this  
35 section. The parent or guardian of the student shall sign a

1 statement acknowledging that the school district or nonpublic  
 2 school is to incur no liability, except for gross negligence,  
 3 as a result of self-administration of medication ~~by the student~~  
 4 or use of an epinephrine auto-injector. A school district or  
 5 accredited nonpublic school and its employees acting reasonably  
 6 and in good faith shall incur no liability for any improper  
 7 use of medication or an epinephrine auto-injector as defined  
 8 in this section or for supervising, monitoring, or interfering  
 9 with a student's self-administration of medication or use of an  
 10 epinephrine auto-injector as defined in this section.

11 b. If a school nurse administers an epinephrine  
 12 auto-injector to a student whom the school nurse reasonably and  
 13 in good faith professionally believes is having an anaphylactic  
 14 reaction, notwithstanding the lack of notice to the parent  
 15 or guardian of the student or the absence of the parent's or  
 16 guardian's signed statement acknowledging no liability, the  
 17 school district or nonpublic school and its employees shall  
 18 not be liable, except for negligence, as a result of any  
 19 injury arising from the use of an epinephrine auto-injector,  
 20 regardless of whether authorization was given by the student's  
 21 parent or guardian for such administration.

22 ~~4.~~ 6. The permission for self-administration of medication  
 23 or use of an epinephrine auto-injector is effective for the  
 24 school year for which it is granted and shall be renewed each  
 25 subsequent school year upon fulfillment of the requirements  
 26 of this section. However, the parent or guardian shall  
 27 immediately notify the school of any changes in the conditions  
 28 listed under subsection 2.

29 ~~5.~~ 7. Provided that the requirements of this section are  
 30 fulfilled, a student with asthma or other airway constricting  
 31 disease may possess and use the student's medication and a  
 32 student with a prescription on file may use an epinephrine  
 33 auto-injector while in school, at school-sponsored activities,  
 34 under the supervision of school personnel, and before or after  
 35 normal school activities, such as while in before-school or

1 after-school care on school-operated property. If the student  
2 misuses this privilege, the privilege may be withdrawn.

3 8. Notwithstanding any other provision of law to the  
4 contrary, a physician may prescribe pursuant to a standing  
5 protocol epinephrine auto-injectors in the name of the  
6 school district or nonpublic school to be maintained for use  
7 when necessary. A school district or nonpublic school with  
8 such a prescription may maintain at a school in a locked,  
9 secure location a supply of epinephrine auto-injectors. The  
10 school district or nonpublic school supply of epinephrine  
11 auto-injectors may be provided to and utilized by any student  
12 authorized to self-administer an epinephrine auto-injector by  
13 any personnel legally authorized to administer an epinephrine  
14 auto-injector to the student, if the epinephrine auto-injector  
15 meets the student's prescription on file. When a student does  
16 not have an epinephrine auto-injector or a prescription for an  
17 epinephrine auto-injector on file, the school nurse may utilize  
18 the school district or nonpublic school supply of epinephrine  
19 auto-injectors to respond to anaphylactic reaction under a  
20 standing protocol from a physician and the requirements of this  
21 section.

22 ~~6.~~ 9. Information provided to the school under subsection 2  
23 shall be kept on file in the office of the school nurse or, in  
24 the absence of a school nurse, the school's administrator.

25 ~~7.~~ 10. The Iowa braille and sight saving school, the state  
26 school for the deaf, and the institutions under the control of  
27 the department of human services as provided in section 218.1  
28 are exempt from the provisions of this section.

29 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
30 immediate importance, takes effect upon enactment.

31 Sec. 3. APPLICABILITY. This Act shall apply to school years  
32 beginning on or after July 1, 2013.

33 EXPLANATION

34 This bill adds epinephrine auto-injectors to Code section  
35 280.16, which permits self-administration of medication

1 in school by students with asthma. The bill defines  
 2 "epinephrine auto-injector" as a medical device for immediate  
 3 self-administration of a measured dose of epinephrine by a  
 4 person at risk of anaphylaxis.

5 The bill requires school districts and nonpublic schools  
 6 to allow the use of an epinephrine auto-injector by a student  
 7 with a prescription on file if the school receives written  
 8 authorization and certain medical information from the  
 9 student's parent or guardian.

10 The bill provides that a school district or nonpublic school  
 11 may authorize the provision of an epinephrine auto-injector  
 12 that meets a student's prescription on file to the student  
 13 or to any personnel legally authorized to administer an  
 14 epinephrine auto-injector to the student. The bill provides  
 15 that a school district or nonpublic school may authorize a  
 16 school nurse to provide an epinephrine auto-injector to a  
 17 student or any personnel legally authorized to administer  
 18 an epinephrine auto-injector to the student; administer an  
 19 epinephrine auto-injector to any student for whom the use of  
 20 epinephrine auto-injector is legally authorized; or administer  
 21 an epinephrine auto-injector to any student whom the school  
 22 nurse reasonably and in good faith professionally believes is  
 23 having an anaphylactic reaction.

24 The bill adds epinephrine auto-injectors to the provisions  
 25 of Code section 280.16 granting immunity from legal liability  
 26 to school employees, except for gross negligence, for injuries  
 27 resulting from the self-administration of medication. Code  
 28 section 280.16 requires a student's parent or guardian to  
 29 receive notice of such immunity. The bill also grants immunity  
 30 from legal liability, except for negligence, to a school nurse  
 31 who administers an epinephrine auto-injector to a student whom  
 32 the school nurse reasonably and in good faith professionally  
 33 believes is having an anaphylactic reaction, even if prior  
 34 notice to the student's parent or guardian has not been given.

35 The bill permits a student with a prescription on file to

1 possess and use an epinephrine auto-injector while in school,  
2 at school-sponsored activities, under the supervision of school  
3 personnel, and before or after normal school activities,  
4 such as while in before-school or after-school care on  
5 school-operated property.

6 The bill provides that a school district or nonpublic  
7 school may maintain at a school in a locked, secure location  
8 a supply of epinephrine auto-injectors. The bill provides  
9 that a physician may prescribe epinephrine auto-injectors in  
10 the name of the school district or nonpublic school to be  
11 maintained for use when necessary. The bill provides that the  
12 school's supply of epinephrine auto-injectors may be provided  
13 to and utilized by any student authorized to self-administer an  
14 epinephrine auto-injector by any personnel legally authorized  
15 to administer an epinephrine auto-injector to the student, if  
16 the epinephrine auto-injector meets the student's prescription  
17 on file. The bill provides that when a student does not  
18 have an epinephrine auto-injector or a prescription for an  
19 epinephrine auto-injector on file, the school nurse may utilize  
20 the school district or nonpublic school supply of epinephrine  
21 auto-injectors to respond to anaphylactic reaction under a  
22 standing protocol from a physician and the requirements of the  
23 bill.

24 The bill takes effect upon enactment and applies to school  
25 years beginning on or after July 1, 2013.